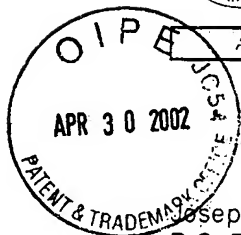


COPY OF PAPERS
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UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov


| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|--------------------------|------------------------|
| 10/042,414 | 01/08/2002 | Michael Joseph Calderaro | AUS920010786US1 |

 Joseph T. Van Leeuwen
 P.O. Box 81641
 Austin, TX 78708-1641

CONFIRMATION NO. 1316

FORMALITIES LETTER



OC00000007510779

Date Mailed: 02/21/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
William Daniel Ordway, Jr.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

E. Brown
 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/02/2002 BNGUYEN1 00000011 090447 10042414

01 FC:105 130.00 CH

THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Serial No. 10/042,414
Docket No. AUS920010786US1
DATE: April 22, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: : Group Art Unit: Not Known
Calderaro, et. al. : Intellectual Property Law Department
Serial No.: 10/042,414 : International Business
Filed: January 8, 2002 : Machines Corporation
Title: System and Method for Resource : 11400 Burnet Road
Reduction Receipt Log and Audit : Austin, Texas 78758
Trail :

Response to Notice to File Missing Parts

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the Patent Application of:

Inventors: Calderaro, et al.

For: **System and Method for Resource Reduction Receipt Log and Audit Trail**

Enclosed are:

X Applicants Response to Notice to File Missing Parts mailed to Applicants on February 21, 2002, with enclosures. As the due date of April 21, 2002 is a Sunday, Applicants' filing of this Response on this day, Monday April 22, 2002, is timely pursuant to 37 CFR § 1.7.

X Applicants have shown that the Notice to File Missing Parts was sent to Applicants in error, therefore Applicants believe that no fee is necessary. If, after considering Applicant's proofs, the Commissioner deems that the surcharge set forth in 37 CFR § 1.16(I) should still be incurred by Applicants, then the Commissioner is authorized to charge my Deposit Account No. 09-0447 in the amount of \$130. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By Joseph T. Van Leeuwen
Joseph T. Van Leeuwen
Attorney for Applicants
Registration No. 44,383
P.O. Box 81641
Austin, Texas 78708-1641
Telephone: (512) 301-6738
Facsimile: (512) 301-6742

37 CFR § 1.8 Certificate of Mailing or Transmission

The undersigned certifies that he has deposited these papers (and any enclosures) as First Class Mail in a U.S. Post Office Box with sufficient postage pursuant to 37 CFR § 1.8 on April 22, 2002.

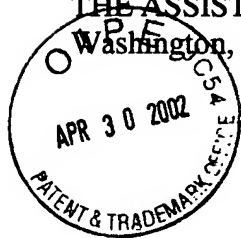
Joseph T. Van Leeuwen
Joseph T. Van Leeuwen

4/22/02
Date

COPY OF PAPERS
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THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Serial No. 10/042,414
Docket No. AUS920010786US1
DATE: April 22, 2002



Applicants' Response to Notice to File
Missing Parts of Nonprovisional Application

Applicants received the *Notice to File Missing Parts of Nonprovisional Application* (the "*Notice*"), filed under 37 CFR § 1.53(b) with a mailing date of February 21, 2002 (see enclosed copy of *Notice*). The *Notice* asserts that the signature for one of the inventors, William Daniel Ordway, Jr., was missing from the oath or declaration. For the reasons set forth below, Applicants respectfully disagree with the assertion set forth in the *Notice*. Applicants respectfully request that the Commissioner examine the papers filed by Applicants on January 8, 2002 to confirm that the Declaration of Mr. Ordway was duly filed along with the application. Applicants are confident that, upon examination of the relevant documents, the Commissioner will conclude that the *Notice* was sent to Applicants in error and, therefore, the surcharge as set forth in 37 CFR § 1.16(I) should not be charged to applicant. If, however, the Commissioner deems such surcharge to be proper, the Commissioner is authorized to accept the enclosed Declaration of William Daniel Ordway, Jr. in response to the *Notice*, and charge the Deposit Account shown on the enclosed Transmittal Letter for the applicable fees.

Applicants filed the above referenced application on January 8, 2002. Applicants filed two separate Declarations along with the application and other papers. Applicants' postcard, returned to the Applicants with a U.S. Patent Office date stamp of "01/08/02," clearly indicates that two Declarations were filed along with the application (see enclosed copy of postcard). In addition, Applicants noted that two Declarations were being filed on the transmittal letter that was also sent to the U.S. Patent Office. The undersigned attorney for Applicants spoke to "Monica" at the Initial Patent Examining Division on April 18, 2002. Monica confirmed that the transmittal letter found in the U.S. Patent Office's application file indicates that two Declarations were filed (see enclosed copy of transmittal letter).

One of the two filed Declarations was duly executed by William Daniel Ordway, Jr. and filed with the U.S. Patent Office on January 8, 2002 along with the application and other papers. A copy of this Declaration is enclosed. The enclosed Declaration of Mr. Ordway satisfies the missing parts assertion set forth in the *Notice*.

37 CFR § 1.8 Certificate of Mailing or Transmission

The undersigned certifies that he has deposited these papers (and any enclosures) as First Class Mail in a U.S. Post Office Box with sufficient postage pursuant to 37 CFR § 1.8 on April 22, 2002.

Joseph T. Van Leeuwen

4/22/02
Date

THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Serial No. 10/042,414
Docket No. AUS920010786US1
DATE: April 22, 2002

Applicants believe that no surcharge as set forth under 37 CFR 1.16(I) is due because the Declaration, cited as missing in the *Notice*, was filed with the Application on the filing date of January 8, 2002. If, after consideration of Applicants argument and enclosed copies of relevant materials, the Commissioner deems that the surcharge under 37 CFR 1.16(I) is appropriate, then the Commissioner is authorized to charge such fees to the Deposit Account noted on the enclosed Transmittal Letter.

Respectfully submitted,

By Joseph T. Van Leeuwen
Joseph T. Van Leeuwen
Attorney for Applicants
Registration No. 44,383
P.O. Box 81641
Austin, Texas 78708-1641
Telephone: (512) 301-6738
Facsimile: (512) 301-6742

37 CFR § 1.8 Certificate of Mailing or Transmission

The undersigned certifies that he has deposited these papers (and any enclosures) as First Class Mail in a U.S. Post Office Box with sufficient postage pursuant to 37 CFR § 1.8 on April 22, 2002.

Joseph T. Van Leeuwen
Joseph T. Van Leeuwen

4/22/02
Date

Docket No. 786 AUS9200107~~28~~US1 Serial _____ Atty. LAV Date Mailed 01-08-02

PLEASE ACKNOWLEDGE AND RETURN

~~Express Mail~~ Express Mail No. ET420197546US

| | |
|--|--|
| <input checked="" type="checkbox"/> Application w/ <u>2</u> Declarations | <input checked="" type="checkbox"/> Transmittal Letter |
| Spec <u>100</u> pp; Claims <u>6</u> pp | Certificate of Mailing <u>1050</u> U.S. PTO |
| <input checked="" type="checkbox"/> Recordation Cover Sheet | Amendment <u>10/042414</u> |
| <input checked="" type="checkbox"/> Assignment | Amendment AF |
| <input checked="" type="checkbox"/> Drawings <u>40</u> sheets (formal) | Notice of Appeal |
| Missing Parts | Appeal Brief <u>01/08/02</u> |
| IDS | Reply Brief |
| PTO 1449 references | FWC/Continuation/Divisional |
| Ext. of Time | Issue Fee |
| Other | |

Applicant Calderaro, et. al.

Title System and Method for Resource Reduction Receipt Log and Audit Trail

Deposit Acct. No. 09-0447

Fees: App. \$740 Assign \$40 Amendment _____ Atty Ref. IBM-1042
Other _____